

DEPARTMENT OF JUSTICE

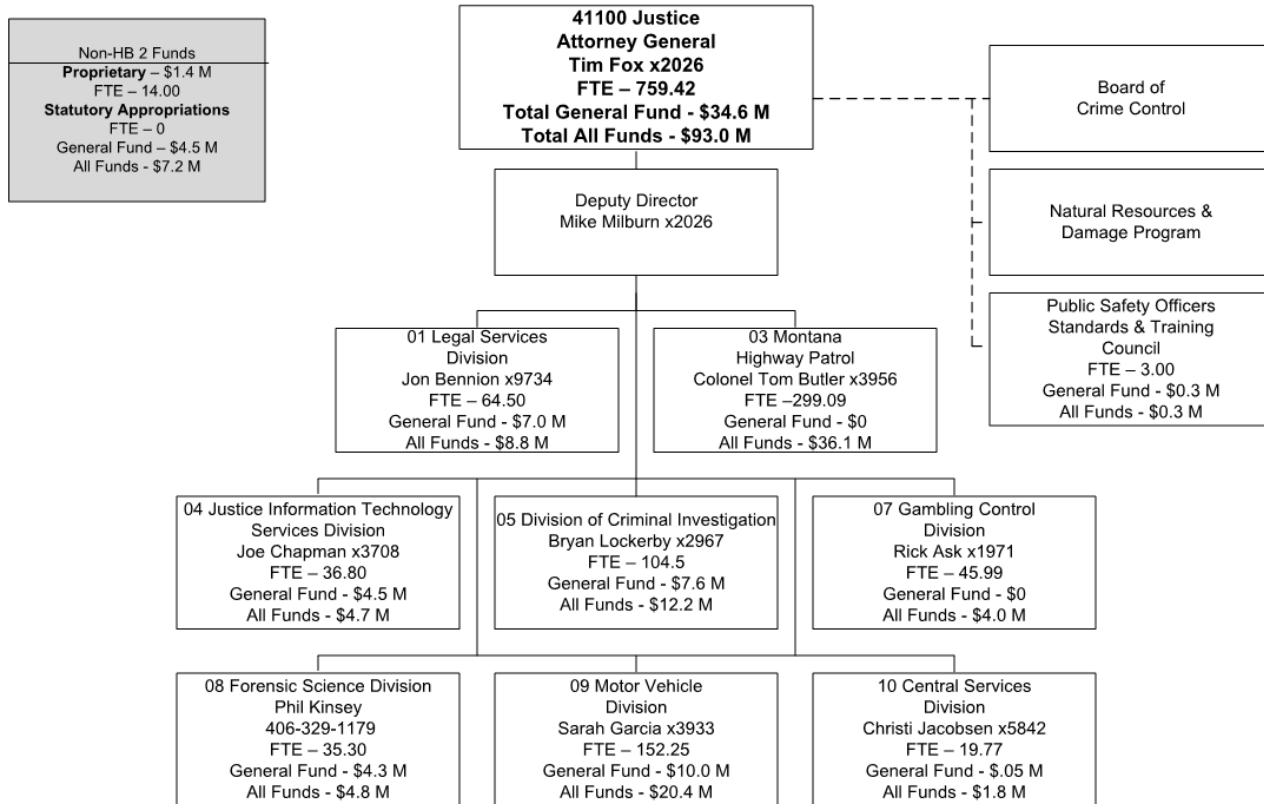
An Agency Profile Prepared by the
Legislative Fiscal Division

November, 2016



INTRODUCTION

The mission of the Department of Justice is to pursue activities and programs that seek to ensure and promote the public interest, safety, and well-being through leadership, advocacy, education, regulation, and enforcement.



HOW SERVICES ARE PROVIDED

The Legal Services The Legal Services Division (LSD) provides:

- Legal research and analysis for the Attorney General
- Legal counsel for state government officials, bureaus, and boards
- Legal assistance to local governments and Indian tribes
- Legal assistance, training, and support for county prosecutors
- Assistance to victims of crime, including compensation payments

The Prosecution Services Bureau assists local county attorneys by providing training and assisting in the prosecution of complex criminal cases, particularly homicide cases. The bureau prosecutes cases where the county attorney has a conflict of interest, and drug, workers' compensation, and Medicaid fraud cases. The bureau also investigates complaints against county attorneys.

The Appellate Services Bureau handles appeals of criminal matters, including death penalty cases, and represents the state in federal court when constitutional challenges are made to a criminal conviction.

The Civil Services Bureau defends the state in constitutional challenges and coordinates appeals of civil cases that involve the state. This bureau also provides legal assistance to state and local governments on matters involving American Indian jurisdiction and federal reserved water rights.

The Child Protection Unit handles child abuse and neglect cases around Montana. The unit has offices in Bozeman, Billings, Great Falls, and Miles City and focuses on resolving the legal status of children who have

been in foster care for more than 15 out of the most recent 22 months. The Office of Consumer Protection advocates on behalf of Montana Consumers, investigates consumer complaints and enforces consumer protection laws.

Gambling Control Division has criminal justice authority and conducts routine field inspections and investigations related to gambling activities. In addition to collecting and distributing licensing fees for gambling machines and activities, the division is responsible for collecting the gambling tax assessed on the net proceeds of gambling activities, and investigative functions relating to alcoholic beverage licensing and tobacco enforcement. An appointed gaming advisory council of nine members provides advisory services to the department.

Motor Vehicle Division is responsible for examination and licensure of motor vehicle drivers, maintenance of driver and motor vehicle records, titling and registration of vehicles, inspection and verification of vehicle identification numbers, and licensure and compliance control of motor vehicle dealers and manufacturers.

Montana Highway Patrol is responsible for patrolling the highways of Montana, enforcing traffic laws, and investigating traffic crashes. The patrol provides 24-hour seven-day-a-week communication and radio dispatch for the highway patrol and other state agencies.

Division of Criminal Investigation investigates crimes, provides for fire safety inspections, and provides officer training including operation of the Montana Law Enforcement Academy. Investigators conduct criminal investigations of homicide, fraud, robbery, assault, corruption, arson, organized crime, computer crime, dangerous drug activity, and other felony crimes. The division also has specialized criminal investigation units for workers' compensation, public assistance, Medicaid, legislative audit and computer crime fraud.

POST (Peace Officers Standards and Training Council) is administratively attached to the Department of Justice and establishes basic and advanced qualifications and training standards for employment of Montana's public safety officers.

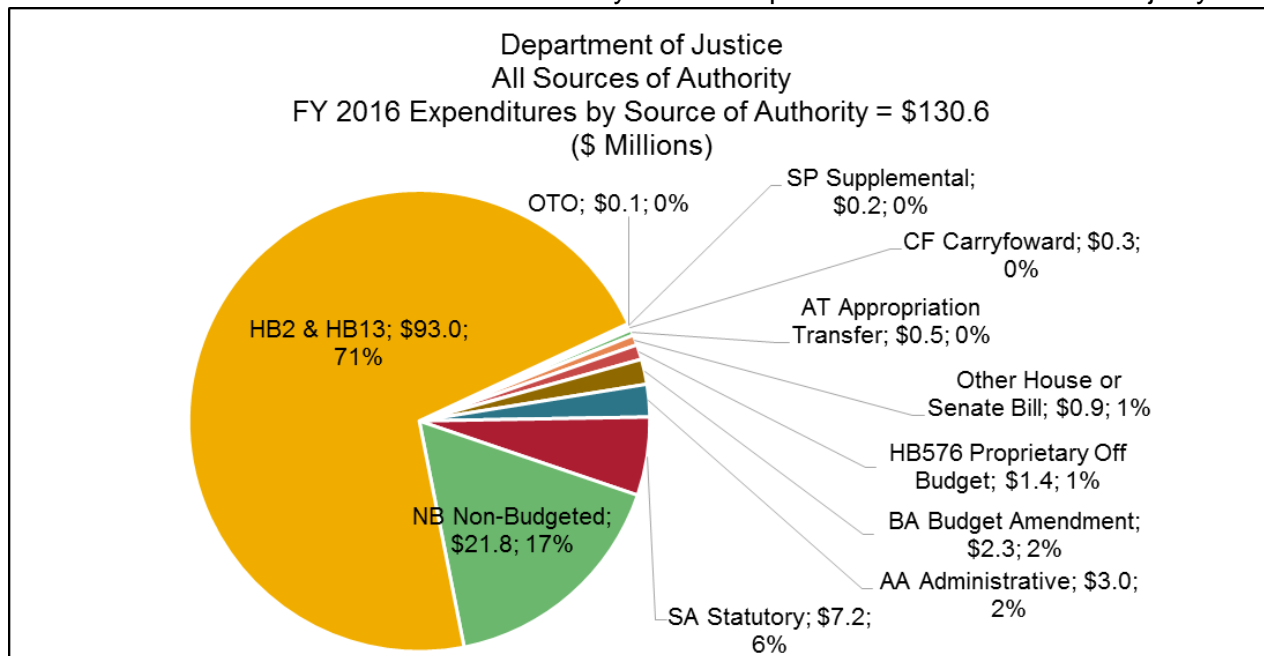
Central Services Division provides the administrative, personnel, budgetary, accounting, and fiscal support for the department. This division also administers payment of the state contribution toward county attorney costs.

Information Technology Services Division provides a full range of information technology and criminal justice services for the department including system development and maintenance of motor vehicle titling and registration systems, driver license and history system, criminal history record information system and the Sexual and Violent Offender Registry. The Criminal Justice Information Network (CJIN) links law enforcement and criminal justice agencies with information sources at local, state, and national levels.

Forensic Science Division, which includes the state crime lab in Missoula, provides for a statewide system of death investigation, forensic science training, and scientific criminal investigation and analysis of specimens. The division tests firearms, tool marks, hair, fibers, body fluids, and tissues. The laboratory also analyzes blood and urine samples, and provides the certification, maintenance, and training of all law enforcement personnel on breath testing instruments.

SOURCES OF SPENDING AUTHORITY

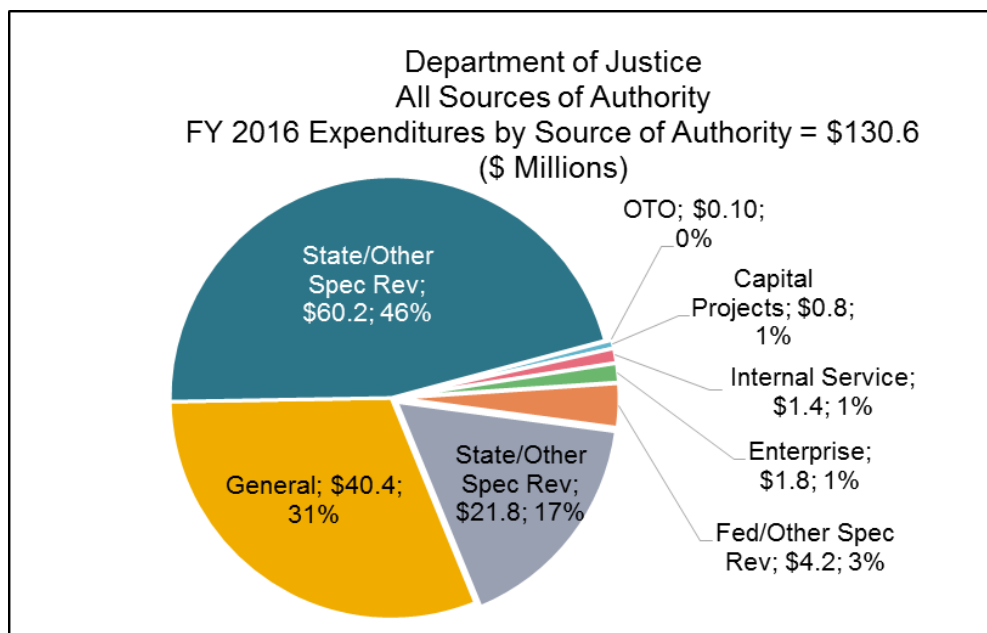
The above chart shows the sources of authority for the Department of Justice. The majority of the funding



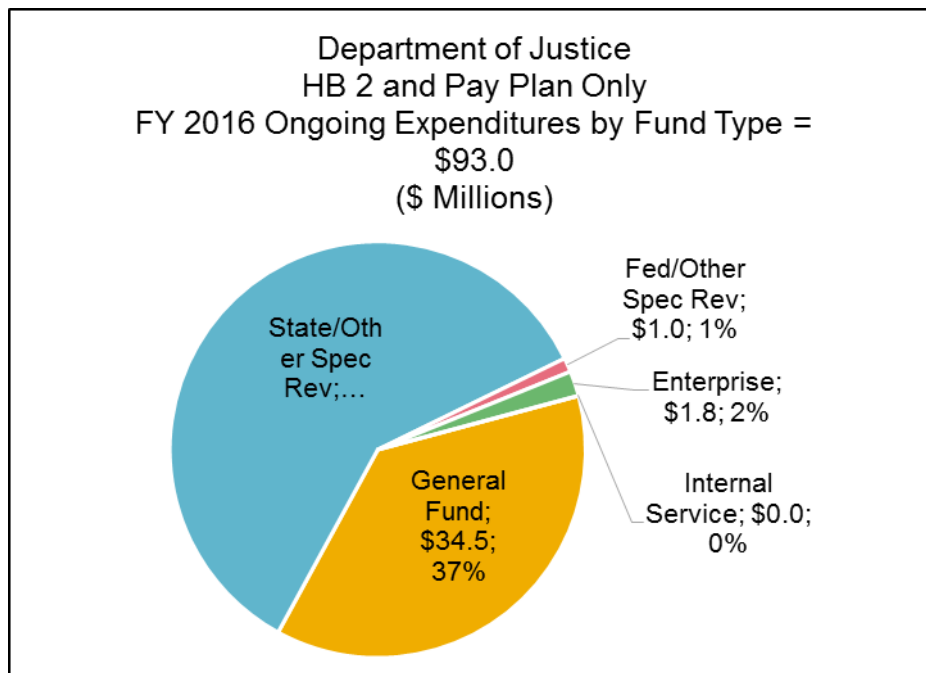
comes from HB 2. Non-budgeted proprietary funds contribute a significant portion of the funding and is primarily for legal settlements.

FUNDING

The following chart shows how Department of Justice expenditures were funded in FY 2016 from all sources of authority by fund type.

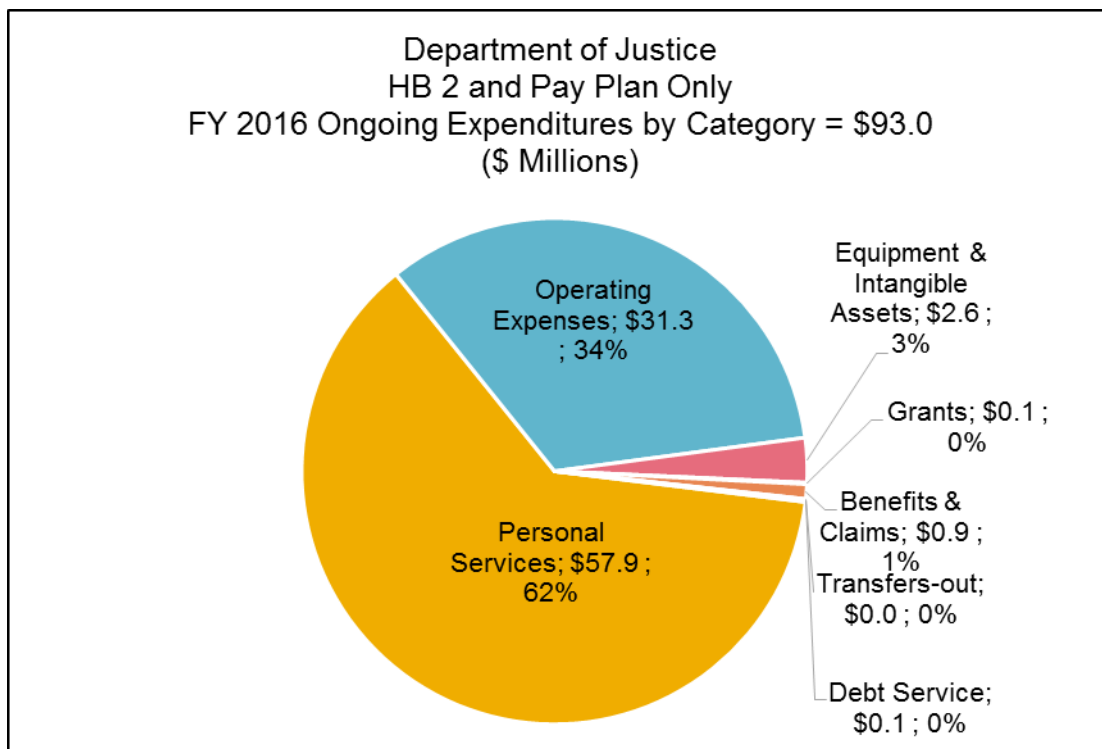


This chart shows how Department of Justice expenditures were funding in FY 2016 from HB2 and pay plan by fund type



EXPENDITURES

The next chart explains how the HB2 and pay plan authority was spent in FY 2016.



HOW THE 2017 LEGISLATURE CAN EFFECT CHANGE

In order to change expenditure levels and/or agency activity, the legislature must address one or more of the following basic elements that drive costs.

The department's expenditures are largely for personal services and operating costs. Items that impact these costs are most likely to result in significant change. The legislature might also impact expenditure levels through actions that increase or decrease the work to be completed by the department such as statutory changes in motor vehicle registration, drivers licensing, gambling laws, criminal statutes, victim's assistance, or consumer protection laws.

MAJOR COST DRIVERS

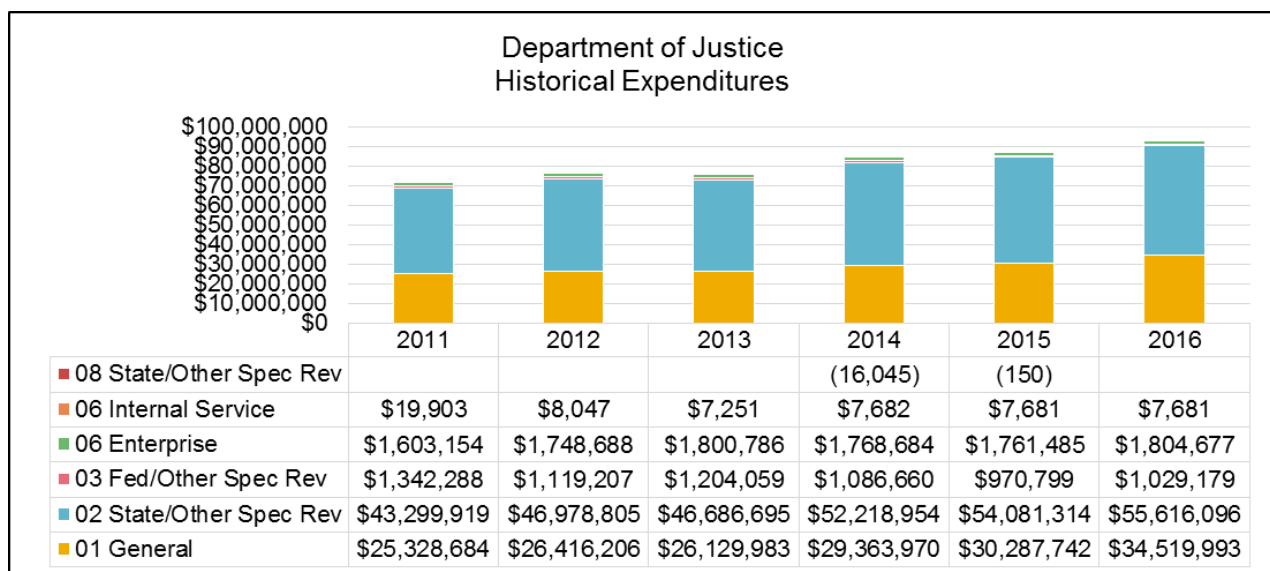
The major Department of Justice cost drivers are shown on the following table.

Driver	FY 2006	FY 2016	Significance of Data
Attorney General opinions	6	2	Legal Services Division legal workload
Crashes responded to (note 1)	11,003	12,151	Montana Highway Patrol workload
Vehicle miles traveled (note 1)	5,420,029	6,251,471	Montana Highway Patrol staff and fuel costs
Civil fingerprint based background checks (note 1)	17,804	27,224	Division of Criminal Investigation workload
Criminal history online public record searches	70,775	218,913	Division of Criminal Investigation workload
Number of cases (note 1)	5,560	8,846	Forensic Sciences Division workload
New non-commercial drivers licenses issued	42,127	52,465	Motor Vehicle Division workload
Non-commercial drivers license renewals	7,525	7,232	Motor Vehicle Division workload
New commercial drivers licenses issued	64,242	80,401	Motor Vehicle Division workload
Commercial drivers license renewals	3,811	7,792	Motor Vehicle Division workload

note 1: 2016 data is calendar year

FUNDING/EXPENDITURE HISTORY, AUTHORITY USED TO ESTABLISH THE BUDGET BASE

The following table shows historical changes in the agency's base budget authority. Major growth is in general fund and due primarily to legislative pay plan funding.



MAJOR LEGISLATIVE CHANGES IN THE LAST TEN YEARS

The following legislative changes impact the funding for the department:

- The Peace Officers Standards and Training Council (POST) was moved from the Board of Crime Control to the department by SB 273 of the 2007 Legislature
- Internet phishing was made a crime in HB 630 of the 2007 Legislature
- State contributions for 50% of county attorneys salaries was added by HB 12 of the 2007 Legislature
- A requirement for an online vehicle insurance verification system was created with an implementation date set for January 10, 2010, in SB 508 of the 2009 Legislature
- SB 361 in the 2011 Legislature allowed video line games in licensed establishments
- Implementation of the vehicle insurance verification system was delayed until January 1, 2013 in HB 367 of the 2011 Legislature
- Driver's license format was changed to include resident address by HB 195 of the 2011 Legislature

For more information, please visit the agency website: <https://dojmt.gov/>.